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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,917	03/30/2001	Ronald B. Wells	9597.3	9009
21999	7590	07/16/2004		
KIRTON AND MCCONKIE 1800 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE P O BOX 45120 SALT LAKE CITY, UT 84145-0120			EXAMINER GOLD, AVI M	
			ART UNIT 2157	PAPER NUMBER

DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/822,917

Applicant(s)

WELLS ET AL.

Examiner

Avi Gold

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/17/2002
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to the application filed March 30, 2001. Claims 1-26 are pending. Claims 1-26 represent a method and system for managing information on a network.

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:
Non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c).

Claim Objections

2. Claim 3 objected to because of the following informalities: "cached" on the 3rd line should be spelled "cashed". Appropriate correction is required.

Specification

3. The disclosure is objected to because of the following informalities: status of related applications needs to be updated. Appropriate correction is required.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1-26 provisionally rejected under the judicially created doctrine of double patenting over claims 1-26 of copending Application No. 10/474,068. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 5-13, 21, and 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Huang et al., U.S. Patent No. 6,571,245.

Huang teaches the invention as claimed including a virtual desktop in a computer network (see abstract).

Regarding claim 1, Huang teaches a network system for managing information comprising:

a database store, in which information is stored and requested across the network system (col. 18, lines 27-46; Huang discloses a calendar sharing database);

a plurality of clients, communicatively coupled to the database store, wherein at least one of the plurality of clients makes request of information from the database store (col. 18, lines 27-46; Huang discloses users accessing another user's calendar); and

information access control to control the sharing of information requested by the at least one client by maintaining a list of those clients requesting the information and forwarding updates of the information to those clients on the list only (col. 18, lines 27-46; Huang discloses users authorized to access and/or update another user's calendar).

Regarding claim 5, Huang teaches the network system according to claim 1 wherein the client indicates to the information access control to remove the client from the list, thereby ending information updates to that client (col. 4, lines 31-46; Huang discloses a controller server that checks login information against a database).

Regarding claim 6, Huang teaches the network system according to claim 1 wherein the client is identified by location (col. 13, lines 15-22; Huang discloses a users personal information maintained in a central location).

Regarding claim 7, Huang teaches the network system according to claim 1 wherein the information access controller writes the changed information on the database store (col. 13, lines 31-39; Huang discloses a personal information database storing personal information of the user).

Regarding claim 8, Huang teaches a method of managing information across a client/server system comprising:

- storing information on a database store managed by a server (col. 18, lines 27-46);

- requesting information on the client/server system by at least one client (col. 18, lines 27-46);

- granting the requested information to the requesting client (col. 18, lines 27-46);

preparing a list of clients requesting the information (col. 18, lines 27-46);
providing updates of the requested information only to those clients listed (col. 18, lines 27-46).

Regarding claim 9, Huang teaches the method according to claim 8 further comprising the step of removing a client on the list based on the client's indication that the information is no longer needed (col. 4, lines 31-46).

Regarding claim 10, Huang teaches the method according to claim 8 further comprising the step of updating the information on the database store (col. 13, lines 31-39).

Regarding claim 11, Huang teaches the method according to claim 8 further comprising the step of storing the information client list on the server managing the requested information (col. 18, lines 27-46; Huang discloses a calendar sharing database including the list of authorized users).

Regarding claim 12, Huang teaches the method according to claim 8 wherein the information requesting step and the information updating step are asynchronous with one another (col. 18, lines 27-46).

Regarding claim 13, Huang teaches the method according to claim 8 wherein the updates are performed on a timed schedule, in a sequential manner, or according to a pre-selected schedule (col. 11, lines 62-67; col. 12, lines 1-9; Huang discloses designated update times).

Regarding claim 21, Huang teaches a method of automatically organizing data and sharing data in response to a data request, comprising:

- maintaining a database store of data;

- submitting new data to the database store;

- correlating the new data with data stored within the database store;

- selecting data stored within the database store based on the correlation of the new data with the stored data;

- storing the new data within the database store based on its correlation;

- sharing the selected correlated data with the source submitting the new data (col. 18, lines 27-46).

Regarding claim 23, Huang teaches the method according to claim 21 including the step of generating a list of each client receiving the selected correlated data (col. 18, lines 27-46).

Regarding claim 24, Huang teaches the method according to claim 23 updating the selected correlated data that has changed to each client on the list (col. 13, lines 31-46; Huang discloses updated information sent to a local PC).

Regarding claim 25, Huang teaches the method according to claim 24 wherein the data updating is done asynchronously on the client/server (col. 18, lines 27-46).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2-4, 14-19, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang further in view of Yohe et al., U.S. Patent No. 6,339,787.

Huang teaches the invention substantially as claimed including a virtual desktop in a computer network (see abstract).

As to claims 2-4, Huang teaches the method of claim 1.

Huang fails to teach the limitation further including the information access control including a smart cache controller to manage information accessed by one or more clients, the smart cache controller storing information within cache memory and provides caching updates to the client as the cached information is updated, and the

information access control caches information requested for as long as the information is required and removes the information from cache when no longer needed by the client.

However, Yohe teaches an apparatus and method for increasing speed in a network file/object oriented server/client system (see abstract). Yohe teaches the use of a cache controller, cache memory and caching update, and removal of information from the cache when no longer needed (col. 3 & 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yohe in view of Huang to use the information access control including a smart cache controller to manage information accessed by one or more clients, the smart cache controller storing information within cache memory and provides caching updates to the client as the cached information is updated, and the information access control caches information requested for as long as the information is required and removes the information from cache when no longer needed by the client. One would be motivated to do so because they help manage resources more efficiently.

As to claims 14-19, Huang teaches the method of claim 14.

Huang fails to teach the limitation further including caching the requested data as a smart cache object on the server side, forwarding to the requesting client a view of the smart cache object, and providing an interface registration object to maintain a list of clients receiving a view of the smart cache object.

However, Yohe teaches the use of caching data on the server side (Fig. 2A) a client making a request to a cache computer (col. 3, lines 35-65), and multiple clients with a view of a cache of objects (col. 2, lines 8-18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Huang in view of Yohe to caching the requested data as a smart cache object on the server side, forwarding to the requesting client a view of the smart cache object, and providing an interface registration object to maintain a list of clients receiving a view of the smart cache object. One would be motivated to do so because it helps manage resources more efficiently.

Regarding claim 15, Huang teaches the method according to claim 14 further comprising the step of asynchronously updating the smart cache object and the view thereof (col. 18, lines 27-46).

Regarding claim 16, Huang teaches the method according to claim 15 further comprising the step of forwarding the updated view to each client maintained on the list (col. 13, lines 31-46).

Regarding claim 17, Huang teaches the method according to claim 14 further comprising the step of sending a request from a client to the server to remove the client from the list (col. 4, lines 31-46).

Regarding claim 18, Huang teaches the method according to claim 14 wherein the interface registration object utilizes a client location to identify a client on the list (col. 13, lines 15-22).

Regarding claim 19, Huang teaches the method according to claim 14 further comprising the step of sending update information of the data to the server maintaining the smart cache object (col. 13, lines 31-46).

Claim 22 does not teach or define any new limitations above claim 14 and therefore is rejected for similar reasons.

10. Claims 20 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang and Yohe further in view of Schlueter, Jr. et al., U.S. Patent No. 6,122,351.

Huang teaches the invention substantially as claimed including a virtual desktop in a computer network (see abstract).

As to claim 20, Huang teaches the method of claim 14.

Huang fails to teach the limitation further including that the client/server is maintained within a medical office facility.

However, Schlueter teaches a method and system aiding medical diagnosis and treatment (see abstract). Schlueter shows evidence of the use of a client/server within a medical office.

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It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Huang in view of Schlueter to use a client/server within a medical office. One would be motivated to do so because it allows for a more efficient medical records information system.

As to claim 26, Huang teaches the method of claim 21.

Huang fails to teach the limitation further including that the data is related to healthcare provider information for medical and health care offices.

However, Schlueter shows evidence of the use of a data related to healthcare provider information.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Huang in view of Schlueter to have data related to healthcare provider information. One would be motivated to do so because it allows for a more efficient patient information system.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,021,470 to Frank et al.

U.S. Pat. No. 6,026,413 to Challenger et al.

U.S. Pat. No. 5,878,213 to Bittinger et al.

U.S. Pat. No. 6,687,698 to Nixon et al.

U.S. Pat. No. 5,627,967 to Dauerer et al.

U.S. Pat. No. 6,185,625 to Tso et al.

U.S. Pat. No. 6,345,300 to Bakshi et al.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avi Gold whose telephone number is 703-305-8762.

The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Avi Gold
Patent Examiner
Art Unit 2157



SALEH NAJJAR
PRIMARY EXAMINER

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AMG